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EXAMINER

BUEKER, RICHARD R

ART UNIT

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1763

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 36

Application Number: 09/161,520
Filing Date: September 29, 1998
Appellant(s): SATO, JUNICHI

Ronald P. Kannanen
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the Remand from the Board of Appeals dated June 5, 2003.

The paper entitled "Reply Brief" filed November 26, 2002 (paper no. 30) added new evidence to the record because it contained a discussion of three exhibits that were attached thereto. MPEP 1208.03 indicates that paper no. 30 is not properly considered to be a reply brief within the meaning of 37 CFR 1.193(b), because it introduced new evidence. However, because paper no. 30 has already been entered, and thus the attached exhibits also entered, and because the examiner did consider these exhibits

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and the discussion of the exhibits, the examiner will respond to applicant's arguments regarding the exhibits.

None of the three exhibits qualifies as prior art because they do not have publication dates prior to the effective filing date of the present application. The effective filing date of the present application is October 25, 1996. The first exhibit (<http://www.ripp-sinopec.com/english/index07-new-no2-2-7.htm>) is an abstract of Chinese patent CN 1250746 (Peoples Republic of China) that has a publication date of May 19, 2000, which is after applicant's effective filing date. The second exhibit (http://www.nabaltec.de/seiten_d/boehmit_d/anwendungen/news_05_08_98.htm) does not provide a clear publication date, and therefore the default publication date is the printing date indicated on the copy provided by applicant, which is November 26, 2002. It is noted also that the web page address of this second exhibit includes the notation "05_08_98", which indicates the posting date of the web page was August 5, 1998, which is also after applicant's filing date. The third exhibit (<https://www.e-catalysts.com/supportsearch/Tutorials/alumina.htm>) includes a copyright date of the year 2002, which is also after applicant's filing date.

Also, none of the three exhibits discuss a process of forming boehmite by adding sodium aluminate to hot water containing particles of aluminum metal, which is what is recited in claims 14, 20, 22, and 24-27. The first exhibit (see abstract) describes reacting sodium aluminate with carbon dioxide gas to form aluminum hydroxide. The aluminum hydroxide is later converted to psudeo-boehmite. The second exhibit (see pages 3 and 4) describes production of boehmite by thermal treatment of aluminum

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hydroxide (ATH). The third exhibit (see page 1, paragraph 2) describes precipitation of sodium aluminate with or without a cation and alum (which is a sulfate compound) to yield doped pseudo-Boehmite. No particles of aluminum metal are present and no teaching of CMP abrasive compositions are provided. Thus, none of these exhibits is relevant to the particular recited subject matter of claims 14, 20, 22 and 24-27.

For these further reasons, it is believed that the rejection of claims 14, 20, 22 and 24-27 under 35 U.S.C. 112, first paragraph, should be sustained.

Respectfully submitted,

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September 10, 2003

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